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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,616	01/22/2002	Kazuhiro Sato	Q68109	6802

23373            7590            06/05/2003  
**SUGHRUE MION, PLLC**  
2100 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20037

EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
1773	S

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/031,616	SATO ET AL.
	Examiner Monique R Jackson	Art Unit 1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The preliminary amendment filed 1/22/02 has been entered. Claims 1-8 are pending in the application.

#### *Claim Objections*

2. Claim 1 is objected to because of the following informalities: the term "consisting chiefly of" is not a commonly recognized transition term utilized in the art. The Examiner suggests utilizing the commonly recognized transition term "consisting essentially of". Appropriate correction is required.

3. Claim 5 is objected to because of the following informalities: the term "is existing" on line 2 should read "exists". Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 07-195617 in view of Nakamaki et al (USPN 6,099,924) or Kosuge et al (USPN 6,071,599.) JP 07-195617 teaches a resin-coated metal sheet and a metal can or closure obtained therefrom such that the resin coating is on the inner surface of the can. The resin coating composition comprises a 75-99wt pts of a polyethylene terephthalate copolyester and 1-25wt pts of a dispersed ethylene ionomer resin wherein the seed metal is Na or Zn and the resin coating composition may further comprises conventional additives (Abstract; 0003; 0014; 0020-0022; 0033; 0034-0042.) JP'617

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does not teach that the coating further comprises tocopherol, a conventional antioxidant, in the amount as instantly recited. However, JP'617 does teach that conventional additives may be utilized in the coating wherein Kosuge et al and Nakamaki et al teach that antioxidants are conventional additives utilized in polyester metal coating compositions and further that teach that tocopherol is an obvious species of antioxidant utilized in the art (Kosuge, Col. 9, lines 15-30; Nakamaki, Col. 15, lines 1-2.) Further Nakamaki teaches that the antioxidant may be contained in an amount of 0.01 to 1.5 parts by weight per 100 parts of the polyester or polyester composition (Col. 15, lines 1-5) and similarly, Kosuge et al teach that the antioxidant is preferably contained in an amount of 0.01 to 5wt% wherein when the proportion is less than 0.01wt%, the effect of the antioxidant added is hardly observed while when the proportion is more than 5wt%, further effect of the antioxidant is hardly obtained (Col. 9, lines 51-56.) Hence, one having ordinary skill in the art at the time of the invention would have been motivated to include a conventional antioxidant, such as tocopherol, in the polyester coating composition taught by JP'617 utilizing routine experimentation to determine the optimum amount of antioxidant to provide the desired antioxidant properties as taught by Kosuge et al or utilizing an amount of from 0.01 to 1.5 wt parts as taught by Nakamaki. Further, with regards to instant claims 3 and 5, though JP'617 do not teach the melt viscosity of the resin layer, the inherent viscosity of the polyester, which is an indication of molecular weight, and the particle size of the ionomer resin present as dispersed particles in the polyester, these properties are known result-effective variables affecting the coating properties of the composition and one having ordinary skill in the art at the time of the invention would have been motivated to determine the suitable

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operating range for these properties to provide the necessary coating properties for a particular coating method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Monique R. Jackson  
Patent Examiner  
Technology Center 1700  
June 1, 2003